

PRESIDENT CURBS ADVISORY GROUPS

Extends His Order Aimed at
Conflicts of Interest

BY TOM WICKER

Special to The New York Times

WASHINGTON, Feb. 27 — President Kennedy ordered today of tightening of procedures to prevent Federal advisory committees and their members from becoming involved in conflicts of interest and antitrust cases.

The order superseded a Cabinet memorandum of Feb. 2, 1959.

Arthur B. Focke, general counsel of the Budget Bureau, in a letter to Attorney General Robert F. Kennedy, said the purpose of the Executive order was to "extend and strengthen the controls established by the Cabinet memo."

He said the order would extend coverage to committees not now under regulation, require stricter control of the content, conduct and records of committee meetings, and provide for the automatic termination of such committees after two years.

The order is also intended to insure that industry representatives on committees will not obtain or use commercial data on individual companies, Mr. Focke said.

Definitions Given

An "advisory committee" is defined in the order as any group formed or used by a Government agency for obtaining advice and recommendations, and not wholly composed of officers or employees of the Government.

An "industry advisory committee" is defined as being composed predominantly of representatives from a single industry, a group of related industries, or a subdivision of an industry. Such groups have recently been criticized several times.

Last August, Senator John J. Williams, Republican of Dela-

ware, charged that an advisory board on feather stockpiling policies had been made up of representatives from most companies selling feathers to the Government.

The result, he said, was an outsize feather stockpile, much of it purchased at prices driven up by the Government's demands.

In late December it was disclosed that Gen. Donald L. Putt, former Air Deputy Chief of Staff for development, had been serving simultaneously as president of the United Technology Corporation, a West Coast rocket enterprise, and chairman of the Air Force Scientific Advisory Board.

Against Reappointment

General Putt conceded no conflict of interest, but asked not to be reappointed as chairman of the advisory board. When his term expired Dec. 31, he was succeeded by Dr. H. Guyford Stever of the Massachusetts Institute of Technology, which is a major Air Force research contractor. Dr. Stever was also a member of United Technology's scientific advisory committee.

Among the regulations laid down by the President today were the following:

—An advisory committee may not be formed or used unless it is authorized by legislation or as a matter of record is determined to be in the public interest. By the head of a department or agency.

—Unless authorized by law, a committee may do nothing but advise; decisions on its advice are to be made only by Government officials.

—Advisory committee meetings must be called and agendas approved by a Government official. Such an official must preside at meetings.

—Advisory committees must keep accurate minutes of proceedings; industry advisory committees must take a verbatim transcript, except where the head of a Government department or agency decides that such a transcript would hamper the work of the committee; in such cases, accurate minutes must be kept.

IMMEDIATE RELEASE

FEBRUARY 27, 1965

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

 PRESCRIBING REGULATIONS FOR THE
 FORMATION AND USE OF ADVISORY COMMITTEES

WHEREAS the departments and agencies of the Government frequently make use of advisory committees; and

WHEREAS the information, advice and recommendations obtained through advisory committees are beneficial to the operations of the Government; and

WHEREAS it is desirable to impose uniform standards for the departments and agencies of the Government to follow in forming and using advisory committees in order that such committees shall function at all times in consonance with the antitrust and conflict of interest laws:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

Section 1. The regulations prescribed in this order for the formation and use of advisory committees shall govern the departments and agencies of the Government to the extent not inconsistent with specific law.

Section 2. As used herein,

(a) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is formed by a department or agency of the Government in the interest of obtaining advice or recommendations, or for any other purpose, and that is not composed wholly of officers or employees of the Government. The term also includes any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not formed by a department or agency, but only during any period when it is being utilized by a department or agency in the same manner as a Government-formed advisory committee.

(b) The term "industry advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service or product basis.

Section 3. No advisory committee shall be formed or utilized by any department or agency unless

(a) specifically authorized by law or

(b) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

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Section 4. Unless specifically authorized by law to the contrary, no committee shall be utilized for functions not solely advisory, and determinations of action to be taken with respect to matters upon which an advisory committee advises or recommends shall be made solely by officers or employees of the Government.

Section 5. Each industry committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head deems such limitations would interfere with effective committee operation.

Section 6. The meetings of an advisory committee formed or used by a department or agency shall be subject to the following rules:

(a) No meeting shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the department or agency, and with an agenda formulated or approved by such officer or employee.

(b) All meetings shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

(c) For advisory committees other than industry advisory committees, minutes of each meeting shall be kept which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(d) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: Provided, that where the head of a department or agency formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, he may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(e) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

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(f) In the case of advisory committees other than industry advisory committees, the department or agency head may waive compliance with any requirement contained in subsection (a), (b) or (c) of this section when he formally determines that compliance therewith would interfere with the proper functioning of such a committee or would be impracticable, that adequate provisions are otherwise made to insure that committee operation is subject to Government control and purpose, and that waiver of the requirement is in the public interest.

Section 7. The head of each department or agency sponsoring an advisory committee may prescribe additional regulations, consistent with the provisions and purposes of this order, to govern the formation or use of such committees, or the appointment of members thereof.

Section 8. An advisory committee whose duration is not otherwise fixed by law shall terminate not later than two years from the date of its formation unless the head of the department or agency by which it is utilized determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the department or agency head shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such committee thereafter. For the purpose of this section, the date of formation of an advisory committee in existence on the date of publication of this order shall be deemed to be July 1, 1960, or the actual date of its formation, whichever is later.

Section 9. The requirements of this order shall not apply:

(a) to any advisory committee for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such committee;

(b) to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations;

(c) to any local, regional, or national committee whose sole function is the dissemination of information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

Section 10. (a) Each department and agency utilizing advisory committees shall publish in its annual report, or otherwise publish annually, a list of such committees, including the names and affiliations of their members, a description of the function of each committee and a statement of the dates of its meetings: Provided, that the head of the department or agency concerned may waive this requirement where he determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory committees, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for

any such advisory committee, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.

Section 11. This order supersedes the directive of February 2, 1959, entitled "Standards and Procedures for the Utilization of Public Advisory Committees by Government Departments and Agencies," and all provisions of prior Executive orders to the extent they are inconsistent herewith.

JOHN F. KENNEDY

THE WHITE HOUSE,

February 26, 1962.

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